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SERIAL NUMBER 08/648,892	FILING DATE 06/21/96	FIRST NAMED INVENTOR MCAVOY	ATTORNEY DOCKET NO. UNSYD-39709
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12M2/0618
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EXAMINER

FAY, Z

ART UNIT

PAPER NUMBER

1205

DATE MAILED: 06/18/97

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined. ☐ Responsive to communication filed on _____. ☐ This action is made final.

A shortened statutory period for response to this action is set to expire _____ month(s), 30 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I : THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 14-34 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☐ Claims _____ are rejected.
5. ☐ Claims _____ are objected to.
6. ☒ Claims 14-34 are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).
12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

PTOL-328 (1)

EXAMINER'S ACTION

Serial Number: 08/648,092

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Art Unit: 1205

Restriction to one of the following invention is required under 35 U.S.C. 121:

Group 1, claims 14-23 and 34 are drawn to the composition and method of preventing or controlling cataract or cataract-like disorders, using inhibitors of TGFB, classified in class 514, various subclasses.

Group 2, claims 24-28 are drawn to the method of controlling after cataract formation, using TGFB inhibitors, classified in class 514, various subclasses.

Group 3, claims 29-33 are drawn to a lens implant, classified in class 514, various subclasses.

The above delineated inventions are independent and patentably distinct each from the other. Each of the above groups are drawn to the treatment of different conditions and would appear to seek results which differ depending on what disease or conditions being treated. One practicing the invention of one of the above groups would not necessarily required to practice any of the others. Further a reference which anticipates the invention of one of the above groups would neither anticipate or make obvious any of the other inventions. The search for the above inventions would not be co-extensive particularly as to the literature search required. Clearly each of the above invention is capable of supporting its own patent. Therefore restriction for examination purpose is proper.

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Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Fay whose telephone number is (703) 308-4604.

Z.F
June 17, 1997

ZOHREH FAY
PRIMARY EXAMINER
GROUP 1200

Zahra Fay